

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

First Named Inventor: William W. BRECHEISEN

Art Unit: 3754

Application No.: 10/733,119

Examiner:

Filed: December 11, 2003

Confirmation No.: 7881

For: LIQUID DISPENSING PACKAGE AND
METHOD OF MANUFACTURE

* * *

**STATUS REQUEST ON PETITION
FOR REVIVAL OF APPLICATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On July 19, 2007, a Petition to Revive Unintentionally Abandoned Application, an Affidavit in support of the Petition, and a Continuation Application, now U.S. Application No. 11/826,971, were filed for the above-identified application in the Patent and Trademark Office (PTO). Courtesy copies of the Petition and Affidavit are enclosed.


As of this date, we have not received any Notices or communication from the PTO in regards to this matter. Therefore, please advise, in writing, as to the current status of this Petition.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (T4289HH-13160US04) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of

time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

Date: May 27, 2008

By: 

James T. Carmichael
Reg. No. 45,306

Michael A. Minter
Reg. No. 58,797

Miles & Stockbridge, P.C.
1751 Pinnacle Drive
Suite 500
McLean, Virginia 22102-3833
(703) 903-9000



DAK4
Attorney Docket No. T4289-002-08

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In re Patent Application of:

First Named Inventor: William W. BRECHEISEN

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Examiner: Philippe DERAKSHANI

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**PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION
UNDER 37 CFR 1.137(b)**

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions the Commissioner to revive the above-captioned application under 37 C.F.R. § 1.137(b). Pursuant to 37 C.F.R. § 1.137(b) and MPEP 711.03(c), in order to revive an abandoned application, the petition must be accompanied by (1) the required reply to the outstanding Office Action or notice, unless previously filed, (2) a petition fee, and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

To this end, Applicant encloses: (1) a Continuation Application, (2) the fee required for revival of an unintentionally abandoned application pursuant to 37 C.F.R. § 1.17(m), and (3) an Affidavit stating that the entire delay was unintentional.

07/20/2007 SZEWDIE1 00000014 501165 10733119
01 FC:1453 1500.00 DA

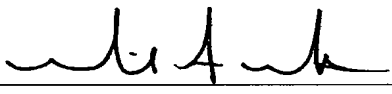
Attached hereto is an Affidavit stating that the entire delay, from the due date for filing a response to the outstanding Non-Final Office Action dated May 5, 2006 for the above-captioned application until the filing of a grantable petition under 37 CFR 1.137(b), was unintentional and providing further information related to the delay.

The Examiner is encouraged to consider the Affidavit carefully.

The amount of \$1,500.00 to cover the Petition Fee as required by 37 C.F.R. §§ 1.137(b)(2) and 1.17(m) should be charged to Deposit Account No. 50-1165 (T4289-002-08). The Commissioner is hereby authorized to charge any fee deficiencies or credit any overpayment to Deposit Account No. 50-1165 (T4289-002-08).

Respectfully submitted,

Date: July 19, 2007

By: 
James T. Carmichael
Reg. No. 45,306

Michael A. Minter
Reg. No. 58,797

Miles & Stockbridge, P.C.
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Suite 500
McLean, Virginia 22102-3833
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* * *

AFFIDAVIT OF JODI L. YINGLING

1. In a License Agreement dated October 7, 2004, Patent Owner granted to a Licensee a license to a number of patents and patent applications including U.S. Patent Application No. 10/733,119 ("the Patent Application").

2. Under the License Agreement, if Patent Owner declined to continue to prosecute the Patent Application, it had an obligation to notify Licensee before any applicable deadline, among other obligations.

3. Patent Owner was aware of the USPTO requirement to respond to the Office Action dated May 5, 2006 for the Patent Application.

4. Patent Owner received from patent counsel communication via e-mail advising of the Office Action dated May 5, 2006.

5. Patent Owner discussed, via e-mail, the USPTO's response deadline for the Patent Application, among other things (copy of discussion thread attached).

6. The discussion participants included Jodi Yingling and John Denner, who were employed by Patent Owner or a related entity.

7. Based on incomplete information during the discussion, Applicant mistakenly chose not to respond.

8. I am currently employed by Patent Owner or a related entity as Intellectual Property & Technology Transfer Manager. I participated in the discussions referenced above.

9. Due to error, Patent Owner was not aware when it conducted its discussions that the Patent Application was subject to the obligations of the License Agreement concerning prosecution of pending patent applications. Patent Owner did not intend to fail its obligations in the License Agreement concerning prosecution of pending patent applications.

10. Patent Owner recently learned of the above-mentioned error.

11. Accordingly, the entire delay, from the due date for filing a response to the outstanding Office Action dated May 5, 2006 for the above-captioned application up through today, was unintentional.

12. I swear or affirm that the above statements are true and correct to the best of my knowledge and acknowledge that willful false statements or the like are punishable by fine and imprisonment under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity and enforceability of the patent.

Jodi L. Yingling
Jodi L. Yingling

6-28-07
Date

State of Pennsylvania :
: ss.

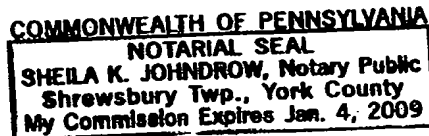
County of YORK :

Before me personally appeared said Jodi L. Yingling and acknowledged the foregoing instrument to be her free act and deed this 28th day of June, 2007.

Sheila K. Johndrow
Notary Public

My commission expires: 01-04-09

(Notarial
Seal)



John Denner Comments to Abandon and File Divisional for Method Claims (-03)

-----Original Message-----

From: Denner, John

Sent: Thursday, July 13, 2006 9:50 PM

To: 'Lepping, Kavita B.'

Cc: Yingling, Jodi; Denner, John

Subject: RE: GRM17508-02US (210576): First Office Action received

Sorry for such a delay in responding to this. Since the claims of this 17508 are so similar to '188 and '495 and these provide adequate coverage of the technology, I do not see the value of pushing this application further. However, I would still like to pursue the method claims in a divisional case.

Thank you for your patience. John